

Exhibit 3

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

[1] BLACK EMERGENCY RESPONSE
TEAM, et al.,

Plaintiffs,

v.

[1] JOHN O'CONNOR, in his official
capacity as Oklahoma Attorney
General, et al.,

Defendants.

Case No. 5:21-cv-01022-G

Hon. Charles B. Goodwin

Declaration of the Black Emergency Response Team

I, the Black Emergency Response Team, pursuant to 28 U.S.C. § 1746, declare the following:

1. The facts set forth in this declaration are based on my personal knowledge, and if called as a witness, I could and would competently testify to the following matters under oath.
2. I am the Community Projects Coordinator for the Black Emergency Response Team (BERT), in the above captioned matter. I am authorized to provide this declaration on behalf of BERT. I have served as the BERT Community Projects Coordinator since March of 2020. I am a Black woman and a junior and anthropology major at the University of Oklahoma ("OU").
3. BERT is an independent organization of Black student leaders at the University of Oklahoma dedicated to creating a safer and more supportive university experience for Black students. Our mission is to advocate on behalf of Black students at the University of Oklahoma to the administration and to enhance the experience of Black students. We currently have six members and three advisors. We help students access support and resources when they experience racism on campus. We also work to hold the University accountable for creating an inclusive community that is accepting of all people.

4. BERT was founded in January of 2019 in response to members of the University of Oklahoma Chapter of the Delta Delta Delta (Tri Delt) sorority posting a video to social media in blackface. Black student leaders from associations across campus, including historically Black sororities and fraternities, the Black Student Association, the Black National Congress, and the National Society of Black Engineers, hosted a town hall in response to the incident. As a community, students decided to respond with a peaceful protest. The organizers of the protest became the first officers of BERT.
5. The protest occurred the week after the video of students in blackface. Students of all backgrounds and from all enclaves of campus, including members of the OU football team, gathered at Dale Hall on the southside of campus to form the largest protest on the University's campus in recent memory. The students marched to Evans Hall, the administrative building in the center of campus, where they asked for policy changes to ensure the safety of all students on campus. From Evans, the students marched to the Student Union and to the Meachum Auditorium where they discussed additional strategies for negotiating with the administration and ensuring all students were protected on campus.
6. In the fall of 2020, the University of Oklahoma faced additional racist incidents. In the same week, two professors used the n-word in class. BERT hosted a townhall for all students to discuss how to address these racist incidents. BERT then created a list of demands and planned a hunger strike and sit-in of Evans Hall. The demands included the creation of a Center for Research on Race and Ethnicity, the creation of a student advisory council to the Provost's Office, an increase in Black faculty and staff at OU, and a mandatory Diversity, Education, and Inclusion (DEI) course for all incoming freshman and transfer students. Students from all walks of life filled Evans Hall, asking for the OU's accountability and fighting for the right to belong on campus.
7. Students sat and slept on the floors of the administration building, eating nothing and drinking water and Gatorade, for days. Press filled the building during the day, and the building was emptied except for students after 5:00 pm. The Governor of Oklahoma threatened to send in the National Guard to clear the students out. Participants received death threats. And BERT met regularly with various members of the administration to discuss their demands. The sit-in lasted for three days.
8. On the third day, BERT decided to end the sit-in because the University agreed to create and require a DEI course.

9. For weeks after, many of the participants were unable to eat enough food after starving themselves for several days. Some still have nightmares around the time of the sit-in each year. Others have been diagnosed with stress and trauma induced health issues stemming from the physical and emotional stress of starvation, death threats, sleep deprivation, and the high stakes of the sit-in. BERT's win with the DEI course was hard-fought.
10. The creation of the DEI course, Gateway to Belonging was a significant step by the University to prevent racist incidents and begin to create an inclusive learning environment. It was a showing of good faith to BERT and the Black, Indigenous, and People of Color ("BIPOC") community at OU. Before the creation of the DEI course, incoming freshman were required to take a four hour diversity training and one hour sexual assault training as part of their orientation. While the training presented helpful information, students cannot unlearn racism, understand other perspectives, or contextualize the United States government's role in manufacturing and maintaining racial inequity in a few hours. The course, by contrast, would be a semester-long, interactive learning process with texts and discussion. Students would engage with the material and develop critical thinking skills rather than passively sit through the material like they could in a training. Students are far more likely to develop understanding and empathy in a course. The DEI course would make OU a significantly safer place for Black students and students of color.
11. H.B. 1775 drastically undercuts all our progress. BERT spent a year working with OU to create the Gateway to Belonging course. To comply with H.B. 1775, OU made the DEI course voluntary rather than mandatory. The move from a mandatory to voluntary DEI course harms our organization by requiring us to be more vigilant and more prepared to respond to racist incidents, which are more likely to occur in the absence of a required DEI course. The legislature directly prohibited OU from enacting our explicit goals to make campus safer for Black students. In doing so, it provided OU with a scapegoat to avoid our demands for a safer campus, making it more difficult for us to hold OU accountable for enabling a learning environment that is hostile to Black students and students of color. H.B. 1775 gives students more leeway to commit racist acts against other students with impunity.
12. H.B. 1775 and the resulting voluntary nature of the DEI course also harms BERT members as individuals. Without a mandatory DEI course, the students most in need of exposure to that information are the least likely to access it. The students

most likely to cause me harm likely have never been exposed to ideas of anti-racism. H.B. 1775 enables students to grow more comfortable in beliefs that threaten my life and the lives of our members. Many of our members, myself included, now have less trust in other students we do not know and try to stay off campus to lessen the likelihood of becoming the victim of yet another racist incident at OU.

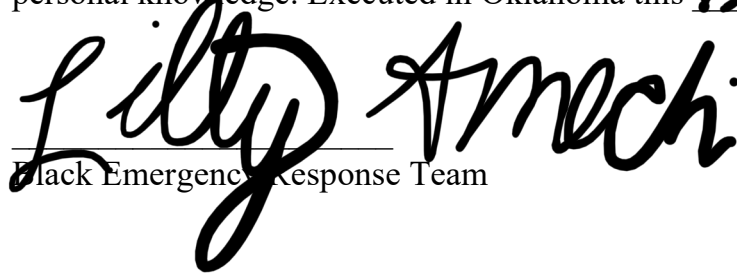
13. In addition to no longer requiring the DEI course, OU made a previously mandatory sexual harassment training voluntary in order to comply with H.B. 1775. The sexual harassment training by OU's Gender and Equality Center teaches students about consent and ensured people do not feel entitled to others' bodies. It teaches respect and human decency. It is rape and assault prevention. Like the DEI course, the students most in need of information about consent and respect are the least likely to access it. After H.B. 1775 and without the mandatory sexual harassment training, sexual assault has been a huge problem for women on campus, and particularly Black women, women of color, and LGBTQ+ women who face compounded harassment and harm due. The Gender and Equality Center has already seen an increase in sexual assaults reported as compared to the same time frame in years prior.
14. I work on campus as a student employee, and I have already seen the negative effects of no longer requiring sexual harassment training. I hear it directly from freshman women about the inappropriate way male students will often speak to and approach them. It is clear that many of the male students do not understand the concepts of respect and consent. While this behavior has always been an issue on campus, I have noticed a significant escalation of behavior and a higher rate of incidents this year.
15. The combined result is a campus full of college students without basic cultural competence and empathy and without an understanding of consent. In this environment, members have described being on campus as "pretty scary." Many members refrain from talking to new people altogether to reduce the chances of a racially-motivated or sexual attack. Members are walking around campus in fight or flight mode, ready to defend themselves at any moment. One member compared H.B. 1775 to Norman removing all its stop signs. The sexual harassment and DEI trainings served as stop signs for students who might engage in harmful behavior. Now there are no "stops" on campus to keep students safe. Because of HB 1775, OU is severely undermined in its efforts to prevent racial or sexual attacks of students.

16. H.B. 1775 also harms the quality of education to which our members have access. BERT Co-founder and Advisor, Jamelia Reed, plans to graduate with an African American Studies major in 2022. She is concerned that professors will be unable or unwilling to teach Critical Race Theory under HB 1775. However, Critical Race Theory provides a foundational lens for African American and all other non-western ethnic studies. She understands that professors will be stymied in their efforts to teach African American Studies without Critical Race Theory and without presenting other perspectives. She also does not see the value in an education without some intellectual discomfort because change and growth happen through discomfort. Even with an approaching graduation date, Ms. Reed is considering transferring because the value of her degree will substantially decline if she cannot be exposed to the principles of Critical Race Theory. She is also concerned about quality professors leaving OU because they fear professional consequences under H.B. 1775 for engaging in necessary discussions about race and gender. She is being denied the education for which she signed up.
17. My major is Anthropology, and H.B. 1775 threatens the foundation of my course material and entire area of study. Anthropology is the search for critical understanding of how states, global forces, identity, and beliefs impact culture. The study of anthropology, especially my focus of cultural anthropology, can only be meaningfully and thoroughly pursued with a discussion of race and gender. H.B. 1775 prevents exactly that discussion. Anthropology under H.B. 1775 suffers by omitting and suppressing the experiences and voices of historically marginalized groups, thereby entrenching the dominance of the White perspective. It is merely the advancement of the White ethnocentric agenda, an issue with which anthropology as an area of study has been historically marred. However, after significant work, anthropology has moved away from a White, western-centric framework. H.B. 1775 would push the field of anthropology back decades into an exclusionary framework the field has explicitly and with great labor denounced. I am concerned that H.B. 1775 will prevent anthropology professors from coming to OU out of fear that they will be punished for their necessary discussion of race and gender. It is difficult to trust the integrity of my education under H.B. 1775. Professors at the University already barely address marginalized experiences in the United States. My history and experiences are not being taught. Now, professors may feel they have no obligation to tell the whole truth. H.B. 1775 has absolved them of their responsibility to truthfully educate.
18. H.B. 1775 will only exacerbate and encourage racist comments made by classmates because it renders them both uninformed and empowered, thus embattling the classroom environment and hindering minoritized students'

education. Classroom discussions were often uncomfortable for me and other members before H.B. 1775. I started college as a Political Science major, and in one of my classes we were discussing President Andrew Jackson's role in the Trail of Tears. The pain his actions caused was not addressed. An Indigenous student and I exchanged uncomfortable and sympathetic glances throughout the lesson as the class engaged in a disconnected, acontextual conversation about mass atrocities for which there are still systemic consequences and no reparations. The Trail of Tears' impact on Indigenous peoples was not addressed. I have felt similarly uncomfortable in other political science classes when classmates and professors discuss slavery. Again, the pain and lives lost are not addressed. During a discussion in one of my classes, a student argued that the Three Fifths Compromise is evidence that the Constitution is an anti-slavery document because slaves could have been counted as not a person at all. Ms. Reed has had students in her Black Literature class refer to Black people as "colored people." These kinds of cavalier, ignorant, and racist comments create an uncomfortable learning environment for me and for other Black and Indigenous students and other students of color. However, our discomfort was not addressed by the legislature. Racist and ignorant statements already plague our classrooms and disrupt the learning environment of minoritized students. The empowered ignorance H.B. 1775 enables will only make it more difficult for us to obtain safety or an education.

19. H.B. 1775 undermines the very purpose of a university. Higher education is supposed to be an institution of critical thinking and exposure to history and new perspectives on how the work operates. H.B. 1755 directly prevents that. It weakens the integrity of college and higher education because it disallows the critical thinking education is meant to provide for students. That lack of critical thinking and exposure to issues of race and gender has a direct impact on the mindset of our culture. People will not respect marginalized communities because the legislature allows people to ignore our experiences and realities. H.B. 1775 puts our education, our lives, and our futures at risk.

I certify under penalty of perjury that the foregoing is true and correct based upon my personal knowledge. Executed in Oklahoma this 13 day of October 2021.


Black Emergency Response Team